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March 6, 2023

BY ECF

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Aliyah Baker v. City of New York, et al.
19-cv-08141 (AKH)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendants City of New York and New York City Police Department Officers James Tibbal, Miraglos Torres, Shrpresa Tulovic, Joseph Licata, and Brian Hinton. Defendants write to respectfully request an adjournment of the April 24, 2023 trial and accompanying April 19, 2023 pre-trial conference. This is the defendants' second request for an adjournment of the trial in this case and plaintiff's counsel, Julia Kuan and Katie Rosenfeld, do not consent to this request.

The reason for the request is that defendant Officer Licata has purchased non-refundable flights for a pre-scheduled vacation from April 23rd – April 26th¹. Although the undersigned is aware that the Court reserved two weeks on Your Honor's calendar for this trial, defendant Officer Tulovic is unavailable May 1 through May 9 due to her pre-scheduled vacation, which similarly involves the purchase of non-refundable flights. Additionally, the date of the trial also conflicts with undersigned's religious schedule as in the weeks and immediate days leading up to the current trial date, April 24, 2023, I will be fasting for the month of Ramadan, which will make preparation for trial very strenuous. Additionally, the first day of trial also lands on a religious holiday that the undersigned partakes in that celebrates the end of the month of Ramadan, called Eid Al-Fitr.²

¹ The undersigned mentioned this conflict during the January 20, 2023 telephonic status conference.

² The undersigned had not realized this conflict at the time of the January 20, 2023 telephonic status conference.

Motion denied. The trial date was set at a pre-trial conf. held Jan. 20, 2023 upon consent of both parties, and re-affirmed by plaintiff's letter of February 24, 2023, and by my order of February 28, 2023. 3-7-23
Alvin K. Hellerstein

In light of the above, it is respectfully requested that the pre-trial conference set for April 19, 2023 and the trial date currently scheduled for April 24, 2023 be adjourned until a date when all the defendants are available and until after Ramadan and the Eid holiday. The undersigned apologizes for any inconvenience this scheduling conflict may have caused for the Court's schedule. To the extent the Court is inclined to grant this request, the undersigned has conferred with all defendants regarding their availability to reschedule the trial and has confirmed that the defendants and counsel are available during the following weeks for trial: May 10 – May 19, June 5 – June 15, September 20 – October 22, and November 8 – December 15. Counsel for plaintiffs are also available during the May and June blocks of time proposed.

Defendants thank the Court for its time and consideration.

Respectfully submitted,

Seema Kassab

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cc: **BY ECF**
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Katie Rosenfeld
Attorneys for Plaintiff